

THE LAW OFFICE OF CAROLIN K. SHINING, ESQ.
ATTORNEY-AT-LAW

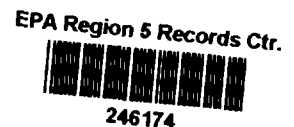
THREE FIRST NATIONAL PLAZA
SUITE NINETEEN-SIXTY
CHICAGO, ILLINOIS 60601-1210

(312) 251-0036 (DIRECT)
(312) 251-0026 (FAX)
73004.1223@CIS.COM (E-MAIL)

October 18, 1994

VIA FAX (886-0747)

Kurt Lindland
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, IL 60604-3590



RE: Order No. V-W-94-249

Dear Kurt:

This letter is in response to the requirement in the above-identified Section 106 Order requesting confirmation of Respondents' intent to comply with the terms of that Order.¹

Respondents repeat their request for additional time in which to study alternative responses as previously requested.

Respondents also note that they have already complied with the Order, in part, and will continue to do so to the best of their ability. For example, a dust elimination and venting system has been implemented on the chopping line. A baghouse is being added to the shredding machine. Also, fences and gates have been and are being put in place to monitor public access to the property.

However, as fully presented, Respondents will be unable to comply with all of the terms of the Order at this time. Respondents have conducted a review of the full estimate of costs projected for the removal action requested, and have concluded that they will be unable to

¹ Steven Cohen is currently out of town and was unable to confirm that the contents of this letter. However, the statements in this letter are consistent with my last conversation with him this morning. I will provide formal confirmation that this letter is consistent with his response and the response of Chicago International Exporting as soon as possible.

PLAINTIFF'S
EXHIBIT

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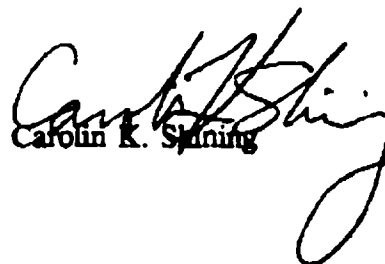
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finance the action as presently requested at this or any other time. However, if in the future the estimated cost of the removal should be reduced, or alternatives to excavation and treatment selected, Respondents request permission to be allowed to continue the removal, if possible.

Based on their financial inability to comply, their prior Written and oral Objections, their voluntary compliance with portions of the Order and their willingness to allow past and future access to 4004 S. Wentworth, Respondents request that penalties not be imposed for their inability to fully comply with the terms of the Order.

Respondent look forward to meeting with Steve Faryan and his removal team on Wednesday, October 26, 1994 to discuss scheduling and other activities. Again, Respondents have made every effort to cooperate with the Order and are willing to continue cooperating with the U.S. EPA in order to efficiently and economically remove any released hazardous wastes. We look forward to your response.

Yours truly,


Carolin K. Shining

cc: Steven and Lawrence Cohen (via fax)